UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

SOFTWARE FREEDOM CONSERVANCY, INC. and : ERIK ANDERSEN, : ECF CASE

Plaintiffs,

-against-

09-CV-10155 (SAS)

PHOEBE MICRO, INC.,

Defendant.

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NOTICE OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment; Plaintiffs' Rule 56.1 Statement of Material Facts; the Declaration of Erik Andersen, dated August 15, 2012, and Exhibits 1-4 annexed thereto; the Declaration of Bradley M. Kuhn, dated August 19, 2012, and Exhibits A-C annexed thereto; and on all the prior proceedings and matters of record in this case, plaintiffs Software Freedom Conservancy, Inc. and Erik Andersen will move the court before the Honorable Shira A. Scheindlin, United States District Court Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an order granting summary judgment in favor of the Plaintiffs against Defendant Phoebe Micro, Inc., pursuant to Federal Rules of Civil Procedure 56. Upon entry of judgment, Plaintiffs will also seek the entry of an award of (i) permanent injunctive relief, (ii) damages, (iii) reasonable attorneys fees and costs, and (iv) any such further relief as the court may deem just and proper.

PLEASE TAKE NOTICE that pursuant to the schedule set by the court at the July 10,

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2012, pre-motion conference in this matter, any opposing papers or answering memoranda are to be served by September 21, 2012.

Dated: August 21, 2012 New York, New York Respectfully submitted,

By: s/ Daniel B. Ravicher

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